



STATE OF CONNECTICUT

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To: Senate Co-Chair Andrew McDonald
House Co-Chair Michael Lawlor
Senate Ranking Member John Kissel
House Ranking Member Arthur O'Neill
Honorable Members of the Judiciary Committee

From: Paul J. Knierim, Judge
Probate Court Administrator

Re: SB 426 An Act Concerning the Connecticut Uniform Adult
Protective Proceedings Jurisdiction Act

Date: March 12, 2010

The Office of the Probate Court Administrator supports adoption of this bill, which incorporates the provisions of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA).

This uniform law seeks to address problems that arise regularly in courts across the nation when individuals involved in a conservatorship proceeding have contacts in more than one state. These problems typically manifest in three scenarios:

- (1) Multiple jurisdictions. While domicile is typically the basis for a court's jurisdiction to hear a conservatorship petition, questions arise when the individual has contacts in more than one state. For example, an individual may maintain residences in two states, and the question of which of those states is the individual's domicile may be unclear. Domicile may also be unclear when an individual has recently relocated from one state to another. In both scenarios, courts need a mechanism to determine which state is the more appropriate forum to

hear the matter. The fact that the applicable law varies considerably from state to state makes resolution of these issues difficult.

- (2) Relocation after a conservatorship has been established. Relocation of an individual under conservatorship from one state to another poses other difficulties. There is currently no efficient mechanism to ensure that the conservatorship remains in place during and after a move. The result is often the complete re-litigation of the conservatorship appointment, along with the attendant delay and expense.
- (3) Interstate recognition of decrees. Most judicial decrees are entitled to full faith and credit in other states. An exception exists, however, for conservatorship matters. This poses a significant issue as our society has become increasingly mobile. Individuals frequently travel from one state to another, often to obtain essential medical treatment. The lack of consistent interstate recognition of conservatorship decrees can compromise the ability of the conservator to obtain the medical treatment that the conserved person needs or to address other issues that arise while the individual is temporarily out of state.

In the past, similar problems were encountered in connection with child custody determinations. This led to the Uniform Child Custody Jurisdiction Act, (UCCJA), and later the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which have now been adopted in most states. Portions of the UAGPPJA are modeled after the UCCJEA.

Like the UCCJEA, the UAGPPJA seeks to establish uniform and nationwide procedures to address the issues associated with interstate conservatorship matters. It would establish a mechanism to determine which state is the most appropriate to act on a request for the appointment of a conservator, thereby avoiding conflicting proceedings in multiple states. Procedures would be established to effectuate transfers between states in a specified and efficient manner. The bill would authorize states to recognize the conservatorship orders of another state and provide a mechanism to register out of state orders to ensure that the authority of a conservator appointed by another state is clear.

As we have seen in recent years, the number of instances involving interstate conservatorship issues is on the increase. The enactment of this bill is important to protect the interests of the disabled persons who are the subject of these orders, and to do so in the quickest, simplest, and most efficient way.

Of course, the UAGPPJA will only be truly effective if it is widely adopted among states. It has already been enacted in thirteen states. The act has garnered the support of many reputable national organizations, including the Alzheimer's Association, the National Guardianship Foundation, the National Academy of

Elder Law Attorneys, the Conference of Chief Justices and Conference of State Court Administrators, and the National College of Probate Judges.

We urge the Committee's favorable consideration of this bill. We would also appreciate the opportunity to offer some substitute language that will help the measure fit in our existing statutory framework.

